

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEBRA WALKER, ET AL.

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V.

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3:85-CV-1210-O

U.S. DEPARTMENT OF HOUSING

✻

AND URBAN DEVELOPMENT, ET AL.,

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## CLASS ACTION

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PLAINTIFFS' APPENDIX IN SUPPORT  
OF THE JOINT PLAINTIFFS' AND DHA'S MOTION FOR  
APPROVAL OF AMENDED AGREED FINAL JUDGMENT

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEBRA WALKER, ET AL.	*	
	*	
v.	*	
	*	3:85-CV-1210-O
U.S. DEPARTMENT OF HOUSING	*	
AND URBAN DEVELOPMENT, ET AL.,	*	CLASS ACTION
	*	

DECLARATION OF LILLIE KAY THOMPSON  
IN SUPPORT OF THE PROPOSED AMENDED AGREED FINAL JUDGMENT

My name is Lillie Kay Thompson. I am one of the seven named plaintiffs in the 1986 second amended complaint in this case setting out the class action and seeking a remedy for the racial segregation in the Housing Authority of the City of Dallas' (DHA) public housing and Section 8 voucher programs. I am a member of the *Walker* class certified by the Agreed Order Certifying Rule 23(b)(2) Class (January 19, 2001, Dkt. No. 2113) as "all African-American persons who, in the past, currently, or in the future: (i) lived or live in public housing, or (ii) received or receive [HCV] assistance, or (iii) applied or will apply for public housing or [HCV] assistance pursuant to a program." I was a tenant receiving Housing Choice Voucher assistance. I have served as one of the *Walker* class representatives since the original class was approved by the Court on January 20, 1987. *Walker v. HUD*, 734 F.Supp. 1231, 1233 n. 11 (N.D. Tex. 1989).

Since 2007 I have been employed by the Inclusive Communities Project, Inc. as a counselor for voucher families seeking assistance to move to desegregated neighborhoods. My experience as a voucher tenant and a mobility counselor for voucher families is extensive. I work with class members on a daily basis to help them find housing of their choice. I have counseled

numerous Walker Settlement Voucher tenants and know the benefits of the Walker Settlement Voucher Program.

Plaintiffs' counsel provided me with a copy of the proposed Amended Agreed Final Judgment and the proposed Notice of Pending Settlement of Class Action that are being submitted to the Court for approval. Plaintiffs' counsel have discussed both documents and explained the process that led to the proposed agreement. The proposed additional Walker Settlement Vouchers, the \$3,000,000 in mobility financial assistance, and the continued use of the 125% of SAFMR payment standard will clearly benefit the class members who seek to relocate to or remain in desegregated neighborhoods. These provisions continue the benefits of the Walker Settlement Voucher program that has been ongoing since 2001.

I support approval of the proposed Amended Agreed Final Judgment.

The proposed Notice of Pending Settlement of Class Action adequately informs class members that there are proposed changes in the Agreed Final Judgment and how to obtain more information about those changes. The publication process in printed media and online at the DHA website will give class members the opportunity to seek more information about those changes.

I support approval of the proposed Notice of Pending Settlement of Class Action.

I declare under penalty of perjury that the statements in this declaration are true and correct.

June 19, 2019  
Date

Lillie Kay Thompson  
Lillie Kay Thompson

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
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DEBRA WALKER, ET AL.	*	
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	*	

PLAINTIFFS' REQUEST FOR  
PRODUCTION OF DOCUMENTS

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs request that The Housing Authority of the City of Dallas (DHA) produce the following documents and electronically stored information (collectively hereafter, "documents") to Plaintiffs' counsel within 30 days.

1. Produce all document containing information showing the receipt of or authorization to use all funds provided by HUD to DHA pursuant to the HUD Settlement Stipulation and Order and the Order Approving Plan for DHA's Implementation of HUD Settlement as DHA's Section 8 Substitution Plan.

2. Produce all audits conducted of DHA's expenditure of the \$2,205,549 from the ACC Program Reserve for the purpose of providing mobility counseling in connection with the Settlement Stipulation and Order filed March 8, 2001 that was authorized in the June 7, 2001 HUD letter to Ms. Ann Lott, Executive Director, Housing Authority of the City of Dallas, Subject: Mobility Counseling Funding Provided Under the Walker Settlement Stipulation and Order Filed March 8, 2001.

3. Produce all documents showing DHA's expenditure of the \$2,205,549 from the ACC Program Reserve for the purpose of providing mobility counseling in connection with the Settlement Stipulation and Order filed March 8, 2001 that was authorized in the June 7, 2001 HUD letter to Ms. Ann Lott, Executive Director, Housing Authority of the City of Dallas, Subject: Mobility Counseling Funding Provided Under the Walker Settlement Stipulation and Order Filed March 8, 2001.

4. Produce the documents containing the information upon which the amounts stated in page 1 of the pdf file titled Walker Summary 2007 - 2018 are based. The table is titled "Dallas Housing Authority Walker Mobility & Regional Counseling Expenses 2007 Court Order." This document was provided to Plaintiffs' attorneys on September 7, 2018 in an email from DHA's attorney Katie Anderson.

5. Produce the documents containing the information upon which the amounts stated in page 64 of the pdf file titled Walker Summary 2007 - 2018 are based. The table is titled "Walker Program Mobility Assistance Expenses FY2008-2009 Summary." This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

6. Produce the documents containing the information upon which the amounts of financial assistance provided for mobility to Walker Settlement Voucher participants stated in the DHA annual reports to the Court for the years 2007 through 2012 are based.

7. Produce the documents showing the names and duties of each person performing the work listed under each Job Title on the last page of the pdf file titled Walker Summary 2007 - 2018. The table is titled Dallas Housing Authority Walker Salary Allocation. This document was provided to Plaintiffs' attorneys on September 7, 2018 in an email from DHA's attorney Katie

Anderson.

8. Produce the documents showing the time period during which each person identified in the documents referred to in Request No. 7 performed those duties for the administration of the Walker Settlement Voucher program.

9. Produce the documents showing DHA's monthly and annual financial reports containing the information upon which the information on the last page of the pdf file titled Walker Summary 2007 - 2018 is based. The table is titled Dallas Housing Authority Walker Salary Allocation. This document was provided to Plaintiffs' attorneys on September 7, 2018 in an email from DHA's attorney Katie Anderson.

10. The SUBMISSION OF AGREED SETTLEMENT VOUCHER IMPLEMENTATION PLAN AND BUDGET-2007, Exhibit A, page 3 contains the following statement.

HUD agreed to provide a one-time payment of an additional \$1,000 in administrative fees ("Extraordinary Fees") for each of the 3,205 vouchers provided for this Program. The funding is provided to pay per-unit bonuses to landlords with units in Predominantly White Areas and provide financial assistance to Participants for the payment of application fees. The funding may also be used to pay for mobility counseling. DHA has received \$2,038,000 under this allocation and will request another \$1,167,000 as leases are executed. DHA has expended but not received reimbursement for \$167,000 for administrative fees. DHA has used or shall use all of the Additional Administrative Fees in the Program as follows: pay per-unit bonuses to landlords of units in a Predominantly White Area who agree to participate, for the first time, in the Program; payment of apartment lease application fees; and payment for security deposits, moving expenses, and utility expenses. See Settlement Stipulation, ¶ 9. DHA has requested written consent from HUD to allow use of these monies for additional purposes to serve the Plaintiff class, specifically to assist Participants overcome the Rent Burden created by reductions in HUD's Fair Market Rents.

Produce all documents containing information about DHA's receipt of the \$2,038,000 described in the statement.

11. Produce all documents containing information about DHA's request for another

\$1,167,000 as leases are executed that is described in the statement set out in Request No. 7 and HUD's responses to that request and all documents showing the receipt of the \$1,167,000.

12. Produce all documents containing information about DHA's statement set out in Request No. 7 that it has expended but not received reimbursement for \$167,000 for administrative fees and any DHA request for the reimbursement and HUD's responses to that request.

13. In 2007 DHA made the following representations to the Court and to the plaintiff class. The representations were made in the Submission of Agreed Voucher Implementation Plan and Budget-2007, Document 2626, pages 6 and 7 of 48. This plan and the budget were subsequently adopted by Court order. Order Approving Agreed Settlement Agreed Voucher Implementation Plan and Budget-2007, Document 2627.

The funding committed for counseling services and financial assistance under HUD's Settlement Stipulation includes three pools of funds which equaled \$9,650,000. DHA has used or will use all of these funds for the implementation of this Program.

...

A. Mobility Counseling Fund [received as opposed to spending]  
HUD made available \$4.5 million of Mobility Counseling Funding to DHA to provide counseling to class members participating in the Program. DHA was granted access to \$2,202,549 of its program reserves (Mobility Counseling Reserves) to fund this account and an additional \$2,297,451 was provided by HUD to satisfy the total commitment of Mobility Counseling Funding. DHA has received \$1,988,572 of Mobility Counseling Funds and \$704,077 of Mobility Counseling Reserves, which have been used for Mobility Counseling. DHA currently has \$1,807,351 remaining available under this funding allocation for mobility counseling.

...

B. Regional Opportunity Counseling Funds  
HUD made available \$1.945 million of Regional Opportunity Counseling Funds to DHA to provide mobility counseling required under this Program. DHA has

received \$778,000 and currently has \$1,167,000 available under this funding allocation for mobility counseling.

...

C. Additional Administrative Fees

HUD agreed to provide a one-time payment of an additional \$1,000 in administrative fees ("Extraordinary Fees") for each of the 3,205 vouchers provided for this Program. The funding is provided to pay per-unit bonuses to landlords with units in Predominantly White Areas and provide financial assistance to Participants for the payment of application fees. The funding may also be used to pay for mobility counseling. DHA has received \$2,038,000 under this allocation and will request another \$1,167,000 as leases are executed.

...

D Expenditures for Incentives.

To date DHA has spent \$1,767,103 to provide incentives to landlords and Participants under this Program.

Produce all documents containing the information upon which these statements were based.

14. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2016, states on page 17 that

Unearned revenue

The Authority recognizes revenues as earned. The amount received in advance of the period in which it is earned is recorded as a liability as unearned revenue. As of December 31, 2016, the Authority had \$4,458,504 of unearned revenue of which \$2,141,055 was related to advance payments from HUD, \$2,227,147 was related to the Walker consent remedial order (see Note 13), and the remainder related to unearned tenant revenues.

Produce the documents containing the information upon which the statement "\$2,227,147 was related to the Walker consent remedial order" was based.

15. The Housing Authority of the City of Dallas Financial Statements (With



Supplementary Information) and Independent Auditor's Report December 31, 2016, states on page 26 that

Unearned revenue - Walker Program (1,211,885).

Produce the documents containing the information upon which the statement was based.

16. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2016, states on page 66 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
342-030	Unearned Revenue - Other	2,227,147

Produce the documents containing the information upon which the statement is based.

17. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 8 that:

Condensed Statement of Net Position December 31,	2017	2016	Change
Net Position:			
Unrestricted	58,755,449	57,505,554	1,249,895

Produce the documents containing the information upon which the statement is based.

18. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 10 that:

3. Unrestricted:

Unrestricted net position consists of net position that does not meet the definition of "restricted" or "net investment in capital assets". In the public housing environment, net position is sometimes designated to indicate that management does not consider them to be available for general operations. In contrast to restricted net assets, these types of constraints on resources are internal, and management can remove or modify them. The Authority has \$58,755,449 in unrestricted net position. Please note that unrestricted does not necessarily mean undesignated. The Authority's net position is designated for "housing purposes."

Produce each document showing the amount and activity for which funds designated as "Unrestricted net position" were spent or obligated at any time in 2018.

19. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 18 that:

As of December 31, 2017, the Authority had \$2,282,631 of unearned revenue of which \$1,867,184 was related to advance payments from HUD for HOPE VI CSS Escrow, \$121,172 was related to the Walker consent remedial order (see Note 13), and the remainder related to unearned tenant revenues.

Produce the documents containing the information upon which the statement is based.

20. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 26 that:

Unearned revenue - Walker Program (121,172).

Produce the documents containing the information upon which the statement was based.

21. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 34 that:

In accordance with the Final Agreed Judgment filed December 21, 2004 and subsequently amended in the October 9, 2013 Agreed Amendments to the Walker Settlement Voucher Implementation Plan (doc. 2740-1), the Authority had a balance of mobility funds in the amount of \$2,013,898. DHA is to use the funds to provide services related to mobility counseling (e.g. to pay landlord incentives, and assist with application fees, security deposits, moving expenses, and utility deposits). As of December 31, 2017, the unused balance of mobility funding under the Walker Settlement was \$121,172.

Produce the documents containing the information upon which these statement are based.

22. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 62 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
111	Cash-unrestricted	\$6,860,329
...		
113	Cash-other restricted	1,462,742
...		
115	Cash-Restricted for payment of current liability	976,668
100	Total Cash	9,299,739

Produce the documents containing the information upon which the statements are based.

23. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 64 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
342-030	Unearned Revenue - Other	121,172

Produce the documents containing the information upon which the statement is based.

24. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, states on page 66 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
71500	Other revenue	1,108,926
...		
91300	Management Fee	2,311,656

Produce the documents containing the information upon which the statements are based.

The documents requested are those with the sources of the amount listed under 71500 "Other Revenue" and the contracts, billing statements, invoices, requests for proposals, and responses to requests for proposals, and other documents with information upon which the 91300 Management Fee amount of \$2,311,656 is based.

25. Produce each audit of DHA's receipt and expenditure of the funds provided by the Settlement Stipulation and Order required by paragraph 17 of the April 26, 2001 Order Approving Plan for DHA's Implementation of HUD Settlement as DHA's Section 8 Substitution Plan. Paragraph 17 states:

(17) DHA shall obtain an annual audit of its receipt and expenditure of the funds provided by the Settlement Stipulation and Order. The audit shall meet the same standards required for the Independent Public Accountant Audit of HUD funds. The audit shall include examination of DHA's compliance with the court approved budgets and this Order. The funds provided by the Settlement Stipulation and Order may be used to pay for this audit.

26. Produce each document containing the following administrative fee reserve related information:

- The amount, if any, of all DHA Section 8 administrative fee reserves used to assist Walker v. HUD class members with security deposits, moving expenses, and utility deposits;
- The following information for each Walker class member for which DHA used its Section 8 administrative fee reserves to assist with security deposits, moving expenses, and utility deposits: the dates and amounts of the assistance provided, the type of DHA program, the address by street number, street name, city, zip code, and the census tract of the location of the unit assisted;
- The amount of DHA's voucher administrative fee reserves now identified as Unrestricted Net Position (UNP) and Restricted Net Position (RNP) amounts as of December 31, 2017.
- The amount of DHA's voucher administrative fee reserves now identified as Unrestricted Net Position (UNP) and Restricted Net Position (RNP) amounts as of March 31, 2018.

27. Produce all correspondence between HUD and DHA on issues affecting the WSV participants, all documents and reports submitted by DHA to HUD containing information about the WSV program, participants, and units, and all responses by HUD to DHA's documents and reports. The period covered by this request is from July 10, 2007 through the present. The 2007 Settlement Voucher Implementation Plan specifically provides that DHA shall maintain the information and make it available for inspection and copying by plaintiffs' counsel upon request. Section X. Reporting Activities C. Information Available Upon of the 2007 Settlement Voucher Implementation Plan, Document 2626, page 19 of 48.

28. Produce all documents containing information about DHA's application for shortfall funding from HUD.

29. Produce all documents containing information about HUD's statements about or actions taken with regard to DHA's application for shortfall funding.

30. Produce all documents containing information upon which DHA based its decision to apply for shortfall funding from HUD.

31. Produce all documents containing information about HUD's response to DHA's September 7, 2018 request for a shortfall request related waiver. This document was provided to Plaintiffs' attorneys on September 7, 2018 in an email from DHA's attorney Katie Anderson.

32. Produce the HUD documents giving notice of and authorization of the funds for the second allocation of Walker Settlement Voucher funds.

33. Produce each document containing information upon which DHA bases its position that there is insufficient funding for 2,646 Walker Settlement Vouchers.

34. Produce each document containing information about DHA's formal request to the City of Dallas for additional mobility funds for Walker eligible clients that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

35. Produce each document containing information about DHA's formal request to HUD for additional mobility funds for Walker eligible clients and any Walker Funds that may still be owed that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

36. Produce each document containing information about DHA's formal request to HUD for incremental Housing Assistance Payments for Walker Settlement Voucher recipients to cover

expenses associated with the approximate 1,048 Walker Settlement clients yet to be served that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

37. Produce each document containing information about DHA's estimate of the amount of the incremental Housing Assistance Payments for Walker Settlement Voucher recipients needed to cover expenses associated with the approximate 1,048 Walker Settlement clients yet to be served that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

38. The DALLAS HOUSING AUTHORITY WALKER SETTLEMENT Statement of Receipts and Disbursements Years ended December 31, 2004, December 31, 2005 and December 31, 2006, page 5 contains the following statements:

D. 2006 HUD Operating Grants

During 2006 DHA received \$10,356,286 from HUD for further Walker Settlement Plan use. DHA worked with Plaintiff representatives and jointly developed a specific plan, which was approved by the Court on July 10, 2007, for use of the funds.

E. Subsequent Events

On July 10, 2007 the Court approved an Agreed Settlement Voucher Implementation Plan and Budget - 2007. The Plan redefines, based on Walker Settlement experience, the approved uses of and compliance terms for the remaining approximately \$9,650,000 of funds allocated for Walker Settlement purposes.

Produce each document upon which the statements are based. The statements for which the documents are requested include the statement that "DHA received \$10,356,286 from HUD for further Walker Settlement Plan use" and the statement that "The Plan redefines, based on Walker Settlement experience, the approved uses of and compliance terms for the remaining approximately \$9,650,000 of funds allocated for Walker Settlement purposes."

39. The HUD Quality Assurance Division report Housing Authority City of Dallas

Financial Management Review (QAD-FMR-2017-TX009) contains the following statements.

- In April 2010 the HACD received \$1,030,830 in HAP funding. These funds were the balance of 2005 HAP funds (budget authority) that were not disbursed until April 2010 during FMC 2005 settlement process. The HACD incorrectly recorded these funds as mobility counseling funds for use with the Walker litigation. Page 3.

...

- In April 2010 the HACD received \$1,030,830 in HAP funding. These funds were the balance of 2005 HAP funds (budget authority) that were not disbursed until April 2010 during FMC 2005 settlement process. The HACD incorrectly recorded these funds as mobility counseling funds for use with the Walker litigation. Page 9.

Produce each document containing DHA's recording of the funds referred to as mobility counseling funds for use with the Walker litigation.

40. Produce each document containing information about the funds referred to by the QAD statement "In April 2010 the HACD received \$1,030,830 in HAP funding " that DHA provided to the HUD Quality Assurance Division.

41. Produce each document containing information about any action taken by DHA to change the determination by the HUD Quality Assurance Division that the funds referred to by the QAD statement "In April 2010 the HACD received \$1,030,830 in HAP funding " were incorrectly recorded as mobility counseling funds for use with the Walker litigation.

42. Produce documents containing the following information:

- the number of the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,

- the number of the DHA Walker Settlement Voucher under lease for each month between June 1, 2014 and July 1, 2018,

- the total HUD HAP funding for the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,



- the total HUD HAP funding for the DHA Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,
- the total amount of the HUD provided administrative fee for the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,
- the per capita non-Walker Settlement Voucher HUD provided administrative fee for each month between June 1, 2014 and July 1, 2018,
- the total amount of the HUD provided administrative fee for the DHA Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,
- and the per capita Walker Settlement Voucher HUD provided administrative fee for each month between June 1, 2014 and July 1, 2018.

43. Produce each document containing information about each fact or opinion upon which DHA bases its opposition to Plaintiffs' Motion for Relief from DHA's Non-compliance With Remedy Orders.

Respectfully Submitted,

/s/ Michael M. Daniel

Michael M. Daniel  
State Bar No. 05360500  
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Attorney for Plaintiffs

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Attorney for Plaintiffs

Certificate of Service

I hereby certify that on September 11, 2018 I electronically submitted the foregoing document by email to counsel for DHA including Katie Anderson and Greg Mays.

s/ Michael M. Daniel  
Attorney for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
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PLAINTIFFS' NOTICE OF FED. R. CIV. P. 30(b)(6) DEPOSITION

Please take notice that the Plaintiffs will take the Fed. R. Civ. P. 30(b)(6) deposition of the Housing Authority of the City of Dallas (DHA) on October 25, 2018 at 9:30 A.M. at the offices of Daniel & Beshara, P.C., 3301 Elm Street, Dallas, Texas 75226. Plaintiffs will consider changing the date, time, and place of the deposition upon a request for a reasonable alternative date, time, and place.

The Housing Authority of the City of Dallas (DHA) shall designate a person or persons to testify on the following subjects:

1. The existence and content of all audits conducted of the receipts and expenditures of all funds provided by the Settlement Stipulation and Order and pursuant to the Order Approving Plan for DHA's Implementation of HUD Settlement as DHA's Section 8 Substitution Plan. Paragraph 17 of the April 26, 2001 Order Approving Plan for DHA's Implementation of HUD Settlement as DHA's Section 8 Substitution Plan. Paragraph 17 states:

(17) DHA shall obtain an annual audit of its receipt and expenditure of the funds provided by the Settlement Stipulation and Order. The audit shall meet the same standards required for the Independent Public Accountant Audit of HUD funds. The audit shall include examination of DHA's compliance with the court

approved budgets and this Order. The funds provided by the Settlement Stipulation and Order may be used to pay for this audit.

2. The existence and content of all audits conducted of DHA's expenditure of the \$2,205,549 from the ACC Program Reserve for the purpose of providing mobility counseling in connection with the Settlement Stipulation and Order filed March 8, 2001 that was authorized in the June 7, 2001 HUD letter to Ms. Ann Lott, Executive Director, Housing Authority of the City of Dallas, Subject: Mobility Counseling Funding Provided Under the Walker Settlement Stipulation and Order Filed March 8, 2001.

3. The existence and content of all documents showing DHA's expenditure of the \$2,205,549 from the ACC Program Reserve for the purpose of providing mobility counseling in connection with the Settlement Stipulation and Order filed March 8, 2001 that was authorized in the June 7, 2001 HUD letter to Ms. Ann Lott, Executive Director, Housing Authority of the City of Dallas, Subject: Mobility Counseling Funding Provided Under the Walker Settlement Stipulation and Order Filed March 8, 2001.

4. The information upon which the amounts stated in page 1 of the pdf file titled Walker Summary 2007 - 2018 are based. The table is titled "Dallas Housing Authority Walker Mobility & Regional Counseling Expenses 2007 Court Order." This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

5. The information upon which the amounts stated in page 64 of the pdf file titled Walker Summary 2007 - 2018 are based. The table is titled "Walker Program Mobility Assistance Expenses FY2008-2009 Summary." This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

6. The information in the DHA annual reports to the Court for 2008 and 2009 for the amounts of financial assistance provided for mobility to Walker Settlement Voucher participants compared to the amounts stated in page 64 of the pdf file titled Walker Summary 2007 - 2018. The table on page 64 of the pdf is titled "Walker Program Mobility Assistance Expenses FY2008-2009 Summary." This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

7. The names and duties of each person performing the work listed under each Job Title on the last page of the pdf file titled Walker Summary 2007 - 2018. The table is titled Dallas Housing Authority Walker Salary Allocation. This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

8. The time period during which each person identified in the documents referred to in Subject No. 7 performed those duties for the administration of the Walker Settlement Voucher program.

9. The information in the documents showing DHA's monthly and annual financial reports containing the information compared to the information on the last page of the pdf file titled Walker Summary 2007 - 2018 is based. The table is titled Dallas Housing Authority Walker Salary Allocation. This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

10. The information in the DHA Annual Report to the Court for the year 2007 and the year 2008 the amounts of financial assistance provided for mobility to Walker Settlement Voucher participants compared to the information on the last page of the pdf file titled Walker Summary 2007 - 2018 is based. The table is titled Dallas Housing Authority Walker Salary

Allocation. This document was provided to Plaintiffs' Counsel on September 7, 2018 by DHA's attorney Katie Anderson.

11. DHA's receipt of the \$2,038,000 referred to in the following statement from The SUBMISSION OF AGREED SETTLEMENT VOUCHER IMPLEMENTATION PLAN AND BUDGET-2007, Exhibit A, page 3.

HUD agreed to provide a one-time payment of an additional \$1,000 in administrative fees ("Extraordinary Fees") for each of the 3,205 vouchers provided for this Program. The funding is provided to pay per-unit bonuses to landlords with units in Predominantly White Areas and provide financial assistance to Participants for the payment of application fees. The funding may also be used to pay for mobility counseling. DHA has received \$2,038,000 under this allocation and will request another \$1,167,000 as leases are executed. DHA has expended but not received reimbursement for \$167,000 for administrative fees. DHA has used or shall use all of the Additional Administrative Fees in the Program as follows: pay per-unit bonuses to landlords of units in a Predominantly White Area who agree to participate, for the first time, in the Program; payment of apartment lease application fees; and payment for security deposits, moving expenses, and utility expenses. See Settlement Stipulation, ¶ 9. DHA has requested written consent from HUD to allow use of these monies for additional purposes to serve the Plaintiff class, specifically to assist Participants overcome the Rent Burden created by reductions in HUD's Fair Market Rents.

12. DHA's proposed request for another \$1,167,000 as leases are executed that is described in the statement set out in Subject No. 11, HUD's responses to that request, and whether the \$1,167,000 was received by DHA.

13. DHA's statement set out in Subject No. 11 that it has expended but not received reimbursement for \$167,000 for administrative fees and any DHA request for the reimbursement and HUD's responses to that request.

14. The following representations made by DHA to the Court and to the plaintiff class in the Submission of Agreed Voucher Implementation Plan and Budget-2007, Document 2626, pages 6 and 7 of 48. This plan and the budget were subsequently adopted by Court order. Order

Approving Agreed Settlement Agreed Voucher Implementation Plan and Budget-2007,  
Document 2627.

The funding committed for counseling services and financial assistance under HUD's Settlement Stipulation includes three pools of funds which equaled \$9,650,000. DHA has used or will use all of these funds for the implementation of this Program.

...

A. Mobility Counseling Fund

HUD made available \$4.5 million of Mobility Counseling Funding to DHA to provide counseling to class members participating in the Program. DHA was granted access to \$2,202,549 of its program reserves (Mobility Counseling Reserves) to fund this account and an additional \$2,297,451 was provided by HUD to satisfy the total commitment of Mobility Counseling Funding. DHA has received \$1,988,572 of Mobility Counseling Funds and \$704,077 of Mobility Counseling Reserves, which have been used for Mobility Counseling. DHA currently has \$1,807,351 remaining available under this funding allocation for mobility counseling.

...

B. Regional Opportunity Counseling Funds

HUD made available \$1.945 million of Regional Opportunity Counseling Funds to DHA to provide mobility counseling required under this Program. DHA has received \$778,000 and currently has \$1,167,000 available under this funding allocation for mobility counseling.

...

C. Additional Administrative Fees

HUD agreed to provide a one-time payment of an additional \$1,000 in administrative fees ("Extraordinary Fees") for each of the 3,205 vouchers provided for this Program. The funding is provided to pay per-unit bonuses to landlords with units in Predominantly White Areas and provide financial assistance to Participants for the payment of application fees. The funding may also be used to pay for mobility counseling. DHA has received \$2,038,000 under this allocation and will request another \$1,167,000 as leases are executed.

...

D Expenditures for Incentives.

To date DHA has spent \$1,767,103 to provide incentives to landlords and Participants under this Program.

15. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2016, statement on page 17 that

Unearned revenue

The Authority recognizes revenues as earned. The amount received in advance of the period in which it is earned is recorded as a liability as unearned revenue. As of December 31, 2016, the Authority had \$4,458,504 of unearned revenue of which \$2,141,055 was related to advance payments from HUD, \$2,227,147 was related to the Walker consent remedial order (see Note 13), and the remainder related to unearned tenant revenues.

16. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2016, statement on page 26 that

Unearned revenue - Walker Program	(1,211,885).
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17. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2016, statement on page 66 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
342-030	Unearned Revenue - Other	2,227,147

18. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 8 that:

Condensed Statement of Net Position  
December 31,

2017	2016	Change
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Net Position:			
Unrestricted	58,755,449	57,505,554	1,249,895.

19. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 10 that:

3. Unrestricted:  
Unrestricted net position consists of net position that does not meet the definition of "restricted" or "net investment in capital assets". In the public housing environment, net position is sometimes designated to indicate that management does not consider them to be available for general operations. In contrast to restricted net assets, these types of constraints on resources are internal, and management can remove or modify them. The Authority has \$58,755,449 in unrestricted net position. Please note that unrestricted does not necessarily mean undesignated. The Authority's net position is designated for "housing purposes."

and the amount and activity for which funds designated as "Unrestricted net position" were spent or obligated by DHA at any time in 2018.

20. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 18 that:

As of December 31, 2017, the Authority had \$2,282,631 of unearned revenue of which \$1,867,184 was related to advance payments from HUD for HOPE VI CSS Escrow, \$121,172 was related to the Walker consent remedial order (see Note 13), and the remainder related to unearned tenant revenues.

21. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 26 that:

Unearned revenue - Walker Program	(121,172).
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22. The Housing Authority of the City of Dallas Financial Statements (With

Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 34 that:

In accordance with the Final Agreed Judgment filed December 21, 2004 and subsequently amended in the October 9, 2013 Agreed Amendments to the Walker Settlement Voucher Implementation Plan (doc. 2740-1), the Authority had a balance of mobility funds in the amount of \$2,013,898. DHA is to use the funds to provide services related to mobility counseling (e.g. to pay landlord incentives, and assist with application fees, security deposits, moving expenses, and utility deposits). As of December 31, 2017, the unused balance of mobility funding under the Walker Settlement was \$121,172.

23. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 62 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
111	Cash-unrestricted	\$6,860,329
...		
113	Cash-other restricted	1,462,742
...		
115	Cash-Restrcted for payment of current liability	976,668
100	Total Cash	9,299,739

24. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on page 64 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
342-030	Unearned Revenue - Other	121,172

25. The Housing Authority of the City of Dallas Financial Statements (With Supplementary Information) and Independent Auditor's Report December 31, 2017, statement on

page 66 that:

Line Item No.	Account Description	Section 8 Voucher 14.871
71500	Other revenue	1,108,926
...		
91300	Management Fee	2,311,656

The subjects for designation of a person to testify on this request are the sources of the amount listed under 71500 “Other Revenue” and the contracts, billing statements, invoices, requests for proposals, and responses to requests for proposals, and other information upon which the 91300 Management Fee amount of \$2,311,656 is based.

26. The following administrative fee reserve related information:

- The amount, if any, of all DHA Section 8 administrative fee reserves used to assist Walker v. HUD class members with security deposits, moving expenses, and utility deposits;
- The following information for each Walker class member for which DHA used its Section 8 administrative fee reserves to assist with security deposits, moving expenses, and utility deposits: the dates and amounts of the assistance provided, the type of DHA program, the address by street number, street name, city, zip code, and the census tract of the location of the unit assisted;
- The amount of DHA’s voucher administrative fee reserves now identified as Unrestricted Net Position (UNP) and Restricted Net Position (RNP) amounts as of December 31, 2017.
- The amount of DHA’s voucher administrative fee reserves now identified as Unrestricted Net Position (UNP) and Restricted Net Position (RNP) amounts as of

March 31, 2018.

27. The information in the correspondence between HUD and DHA on issues affecting the WSV participants, all documents and reports submitted by DHA to HUD containing information about the WSV program, participants, and units, and all responses by HUD to DHA's documents and reports. The period covered by this request is from July 10, 2007 through the present. The 2007 Settlement Voucher Implementation Plan specifically provides that DHA shall maintain the information and make it available for inspection and copying by plaintiffs' counsel upon request. Section X. Reporting Activities C. Information Available Upon of the 2007 Settlement Voucher Implementation Plan, Document 2626, page 19 of 48.

28. The information in DHA's 2018 application for shortfall funding from HUD.

29. The information in DHA's September 7, 2018 waiver request to HUD and HUD's response to the request. The waiver request was supplied to Plaintiffs' attorneys on September 7, 2018 by email from DHA's attorney Katie Anderson.

30. HUD's statements about or actions taken with regard to DHA's 2018 application for shortfall funding.

31. DHA's decision to apply for shortfall funding from HUD in 2018.

32. The HUD documents giving notice of and authorization of the funds for the second allocation of Walker Settlement Voucher funds.

33. The information upon which DHA bases its position that there is insufficient funding for 2,646 Walker Settlement Vouchers.

34. The information about DHA's formal request to the City of Dallas for additional mobility funds for Walker eligible clients that is set out in the March 29, 2018 letter from DHA

President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

35. The information about DHA's formal request to HUD for additional mobility funds for Walker eligible clients and any Walker Funds that may still be owed that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

36. The information about DHA's formal request to HUD for incremental Housing Assistance Payments for Walker Settlement Voucher recipients to cover expenses associated with the approximate 1,048 Walker Settlement clients yet to be served that is set out in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

37. DHA's estimate of the amount of the incremental Housing Assistance Payments for Walker Settlement Voucher recipients needed to cover expenses associated with the approximate 1,048 Walker Settlement clients yet to be served that is referred to in the March 29, 2018 letter from DHA President & CEO Troy Broussard to Laura Beshara and Mike Daniel.

38. The following statement in the DALLAS HOUSING AUTHORITY WALKER SETTLEMENT Statement of Receipts and Disbursements Years ended December 31, 2004, December 31, 2005 and December 31, 2006, page 5.

D. 2006 HUD Operating Grants

During 2006 DHA received \$10,356,286 from HUD for further Walker Settlement Plan use. DHA worked with Plaintiff representatives and jointly developed a specific plan, which was approved by the Court on July 10, 2007, for use of the funds.

E. Subsequent Events

On July 10, 2007 the Court approved an Agreed Settlement Voucher Implementation Plan and Budget - 2007. The Plan redefines, based on Walker Settlement experience, the approved uses of and compliance terms for the remaining approximately \$9,650,000 of funds allocated for Walker Settlement purposes.

The statements for which a person is requested to be designated to testify include the

statement that “DHA received \$10,356,286 from HUD for further Walker Settlement Plan use” and the statement that “The Plan redefines, based on Walker Settlement experience, the approved uses of and compliance terms for the remaining approximately \$9,650,000 of funds allocated for Walker Settlement purposes.”

39. The following statement in the HUD Quality Assurance Division report Housing Authority City of Dallas Financial Management Review (QAD-FMR-2017-TX009).

- In April 2010 the HACD received \$1,030,830 in HAP funding. These funds were the balance of 2005 HAP funds (budget authority) that were not disbursed until April 2010 during FMC 2005 settlement process. The HACD incorrectly recorded these funds as mobility counseling funds for use with the Walker litigation. Page 3.

...

- In April 2010 the HACD received \$1,030,830 in HAP funding. These funds were the balance of 2005 HAP funds (budget authority) that were not disbursed until April 2010 during FMC 2005 settlement process. The HACD incorrectly recorded these funds as mobility counseling funds for use with the Walker litigation. Page 9.

40. The funds referred to by the QAD statement “In April 2010 the HACD received \$1,030,830 in HAP funding” that DHA provided to the HUD Quality Assurance Division.

41. Any action taken by DHA to change the determination by the HUD Quality Assurance Division that the funds referred to by the QAD statement “In April 2010 the HACD received \$1,030,830 in HAP funding” were incorrectly recorded as mobility counseling funds for use with the Walker litigation.

42. The HUD HAP funding and the HUD administrative fee funding and the number of vouchers in use as set out below:

- the number of the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,
- the number of the DHA Walker Settlement Voucher under lease for each month

between June 1, 2014 and July 1, 2018,

- the total HAP funding for the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,

- the total HAP funding for the DHA Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,

- the total amount of the HUD provided administrative fee for the DHA non-Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,

- the per capita non-Walker Settlement Voucher administrative fee for each month between June 1, 2014 and July 1, 2018,

- the total amount of the HUD provided administrative fee for the DHA Walker Settlement Vouchers under lease for each month between June 1, 2014 and July 1, 2018,

- and the per capita Walker Settlement Voucher administrative fee for each month between June 1, 2014 and July 1, 2018.

43. The information showing the receipt of or authorization to use all funds provided by HUD to DHA pursuant to the HUD Settlement Stipulation and Order and the Order Approving Plan for DHA's Implementation of HUD Settlement as DHA's Section 8 Substitution Plan.

44. Each fact or opinion upon which DHA bases its opposition to Plaintiffs' Motion for Relief from DHA's Non-compliance With Remedy Orders.

45. The documents produced by DHA in response to Plaintiffs' September 11, 2018 Request for Documents.

Respectfully Submitted,

/s/ Michael M. Daniel

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Attorney for Plaintiffs

Certificate of Service

I hereby certify that on September 11, 2018 I electronically submitted the foregoing document by email to counsel for DHA including Katie Anderson and Greg Mays.

s/ Michael M. Daniel  
Attorney for Plaintiffs



IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DEBRA WALKER, ET AL.

Plaintiffs,

VS.

U.S. DEPARTMENT OF HOUSING  
AND URBAN DEVELOPMENT, ET AL.

Defendants.

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CIVIL ACTION  
NO. 3:85-CV-1210-O

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ORAL DEPOSITION OF

HOUSING AUTHORITY OF THE CITY OF DALLAS

TROY BROUSSARD

JANUARY 28, 2019

\*\*\*\*\*

ORAL DEPOSITION OF HOUSING AUTHORITY OF THE CITY  
OF DALLAS through TROY BROUSSARD, produced as a witness at  
the instance of the Plaintiffs and duly sworn, was taken  
in the above-styled and -numbered cause on the 28th of  
January, 2018, from 9:54 a.m. to 10:45 a.m., before Melisa  
Duncan, CSR in and for the State of Texas, reported by  
machine shorthand, at the offices of Clark Hill  
Strasburger, 901 Main Street, Suite 6000, Dallas, Texas,  
in accordance with the Federal Rules of Civil Procedure  
and agreement hereinafter set forth.



**R/ECAP: Racially/Ethnically  
Concentrated Areas of Poverty**  
1= Yes / 0= No

**TABLE 2: Characteristics of R/ECAP Census Tracts**

ID	Households	Total DHA HCV	Walker Families	All Units	Black Concentration	Poverty Rate	R/ECAP 2017	At-Risk R/ECAP	Census Tract Name
1	560	0	0	0	50.7	74.4	1	1	CT 1017
2	1000	5	0	0	63.1	63.4	1	1	CT 1036.01
3	1989	198	0	955	66.6	58.7	1	1	CT 93.04
4	1848	457	0	217	60.2	57.7	1	1	CT 205
5	1212	116	0	806	66.5	55.7	1	1	CT 86.04
6	1454	28	0	210	58.8	50.6	1	1	CT 49
7	1399	0	0	134	32.4	49.7	1	1	CT 1046.02
8	694	111	0	340	93.9	49.2	1	1	CT 39.01
9	1085	1	0	0	59.1	48.8	1	1	CT 1038
10	1132	0	0	526	17.9	48.1	1	1	CT 1223
11	2324	16	0	2368	14.6	47.7	1	1	CT 317.20
12	1938	19	0	261	56.8	47.4	1	1	CT 88.02
13	1372	36	0	238	8.5	47.2	1	1	CT 15.03
14	1030	0	0	168	43.2	47.1	1	1	CT 1231
15	1211	60	0	477	7.8	46.3	1	1	CT 69
16	2199	0	0	2130	28.2	45.6	1	1	CT 1219.05
17	1781	0	0	1583	20.9	45.2	1	1	CT 1219.03
18	2980	379	0	2052	56.6	44.9	1	1	CT 192.12
19	1129	2	0	815	4.5	44.9	1	1	CT 166.05
20	1835	21	0	1514	25.8	44.8	1	1	CT 78.15
21	1305	1	0	0	64.6	44.1	1	1	CT 1025
22	1206	29	0	164	74.6	43.2	1	1	CT 27.01
23	1692	76	0	1179	16.7	43.1	1	1	CT 190.13
24	2399	26	0	1393	30.4	42.9	1	1	CT 78.20
25	1326	0	0	946	28.7	42.7	1	1	CT 1059.02
26	1308	15	0	148	59.4	42.6	1	1	CT 111.04
27	1557	52	0	0	57.6	42.2	1	1	CT 87.01
28	1903	132	0	426	94.2	42	1	1	CT 209
29	1214	0	0	0	18.2	41.8	1	1	CT 108.04
30	1675	146	0	1076	32.4	41.3	1	1	CT 59.02
31	1594	40	0	512	64.1	41.2	1	1	CT 152.02
32	965	17	0	0	52.7	41.2	1	1	CT 117.02
33	1787	155	0	150	25	40.7	1	1	CT 57
34	1053	5	0	535	13.3	40.2	1	1	CT 87.03
35	1511	54	3	144	13.2	40.1	1	1	CT 25
36	1487	113	0	608	84.9	39.7	0	1	CT 87.04
37	250	1	0	150	63.4	39.7	0	1	CT 86.03
38	2436	8	0	3146	57.9	39.6	0	1	CT 1065.16

ID	Households	Total DHA HCV	Walker Families	All Units	Black Concentration	Poverty Rate	R/ECAP 2017	At-Risk R/ECAP	Census Tract Name
39	829	12	0	118	90.8	39.5	0	1	CT 38
40	2011	119	0	910	55	39.4	0	1	CT 60.02
41	1408	134	0	877	21.7	39.1	0	1	CT 192.13
42	1704	22	6	0	15.3	39.1	0	1	CT 615
43	762	0	0	266	14.7	39.1	0	1	CT 1222
44	1321	15	0	0	57.1	38.8	0	1	CT 1235
45	882	1	0	0	39	38.8	0	1	CT 55
46	455	12	0	0	88.3	38.3	0	1	CT 40
47	1540	66	0	698	59.9	37.8	0	1	CT 111.05
48	2681	80	0	344	24.6	37.5	0	1	CT 118
49	1104	165	0	749	32.5	37.4	0	1	CT 122.08
50	378	1	0	621	16.3	37.4	0	1	CT 78.23

Respectfully Submitted,

/s/ Michael M. Daniel  
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Certificate of Service

I hereby certify that on June 13, 2019, I electronically submitted the foregoing document with the clerk of the court for the U.S. District Court, Northern District of Texas, using the electronic case files system of the court. The electronic case files system sent a “Notice of Electronic Filing” to all counsel of record who have consented in writing to accept this Notice as service of this document by electronic means.

s/ Michael M. Daniel  
Attorney for Plaintiffs